SUBJECT: Application for a Modification in Zoning for Lands Located at 205 John Street South (PED07062) (Ward 2)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-85, Nicola and Franca Runco, owners, for a modification to the “H” (Community Shopping and Commercial, etc.) District, to permit an auto-body repair and paint shop as an additional permitted use, for lands located at 205 John Street South, as shown on Appendix "A" to Report PED07062, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07062, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee; and,

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is to modify the current zoning of the subject lands to add an auto-body repair and paint shop as an additional permitted use. Staff recommends that the amending By-law be withheld for enactment until a Record of Site Condition is received.

The proposal has merit and can be supported in view of the fact that the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is compatible with existing and planned land uses in the surrounding area.

BACKGROUND:

Proposal

The application is for a modification in zoning for lands located at 205 John Street South (see Appendix “A”). The purpose of the application is to modify the current “H” (Community Shopping and Commercial, etc.) District, to permit auto-body repairs to be conducted in conjunction with the existing automotive repair garage. The subject lands currently contain a single storey automotive repair garage, with a gross floor area 163 sq.m, and a paved parking area with 7 parking spaces (see Appendix “C”). To accommodate the proposed use, in addition to a new service desk and lunch room within the existing building, the applicant proposes a 131 sq.m. one-storey addition, which would front onto John Street South. No modifications to the existing zoning regulations would be required to facilitate this addition.

Details of Submitted Application:

Owner/Applicant: Nicola and Franca Runco

Location: Northeast corner of John Street South and Young Street, Hamilton, municipally known as 205 John Street South (see Appendix “A”).

Description:

Frontage: 23.77 metres

Depth: 32.78 metres

Area: 761 square metres
## EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands:</td>
<td>Existing 1 Storey Commercial Building (automotive repair garage)</td>
<td>“H” (Community Shopping and Commercial, etc.) District</td>
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<tr>
<td>Surrounding Lands:</td>
<td>North</td>
<td>Hydro Parking Area (vacant)</td>
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<tr>
<td></td>
<td>South</td>
<td>Retail</td>
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<tr>
<td></td>
<td>East</td>
<td>Offices</td>
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<td></td>
<td>West</td>
<td>Automotive and Auto-body repair garage</td>
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## ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and complies with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan;
   
   (ii) It complies with the approved Corktown Neighbourhood Plan; and,
   
   (iii) The proposed use is compatible with existing and planned uses in the immediate area, and is an efficient use of the existing building, property and infrastructure.

2. **Proposed Zoning**

   Currently, there is an existing 1 storey automotive repair garage and associated parking area on the subject property. The applicant proposes to expand the existing building by adding an additional 131 sq. metres of gross floor area to the existing 163 sq. metre building. It is noted that no modifications would be required to accommodate the extension under the existing zoning, but the proposal would be subject to site plan approval.
The "H" (Community Shopping and Commercial, etc.) District, which currently applies to the site, permits a range of commercial uses, including an automotive repair garage. While an auto-body repair use is permitted by the “Commercial” policies of the Hamilton Official Plan which apply to the site, this use is not permitted by the current zoning.

Staff notes that there are existing water and sanitary services on Young Street and John Street South to service the site directly. As such, no engineering concerns have been raised with regard to the modification to the existing zoning. Any further engineering concerns can be addressed under the future site plan control application. Similarly, the City’s Traffic Engineering and Operations Section has no concerns with the proposed zoning application, raising only issues to be addressed at the site plan control stage.

It is, therefore, considered that the main issues surrounding the inclusion of an auto-body repair use within the existing range of permitted uses would include the potential impact upon surrounding land uses and impact upon the streetscape.

With regard to the impact upon surrounding land uses, it is noted that the subject lands are surrounded predominately by commercial properties. These commercial properties include an existing auto-body repair garage to the west of the subject lands, which has been operating in this location for a number of years. Residential properties do exist within the vicinity, particularly in low and high density multiple dwellings along Catharine Street, Young Street and Forest Avenue. Those residential and commercial properties within 120m of the subject lands were pre-circulated the application and no objections have been received to date. Only one letter of acknowledgement was received (Appendix “D”).

The potential impacts upon these surrounding land uses would be noise and fumes associated with an auto-body repair use. In this regard, it must be noted that any noxious impacts in connection with this use would be regulated through Provincial legislation to ensure that minimum environmental standards are maintained. It is understood that the applicant must apply for a Certificate of Approval from the Ministry of the Environment.

The proposed use is intended to be secondary to the existing repair garage use, and not be conducted as the primary use in its own right. Staff, therefore, recommends that the gross floor area of the proposed use (body work area and spray booth) be limited to 135 sq. metres of the proposed 294 sq.m. building.

With respect to the impact of the proposed auto-body repair use upon the existing streetscape, staff wishes to avoid any detrimental impacts that may be associated with both off-site and on-site parking, particularly of damaged vehicles.

In assessing the potential for off-site parking, it is noted that only limited amounts of street parking are available within the immediate vicinity. The applicant has indicated the availability of approximately 7 designated on-site parking spaces.
(not including the 5 bays available internally for the auto-repair use). Given that the total floor area of the existing and proposed building is to be 294 square metres, the Zoning By-law does not require parking or loading spaces and, as such, 12 spaces is considered sufficient for both uses. In addition, given the area of the site, further space could be made available for parking, if required.

With respect to screening the on-site parking, it is noted that the subject site is located on a visually prominent corner at the intersection of John Street South and Young Street. In accordance with the standard provisions of the “H” District, a planting strip having a minimum width of 1.0m and an average width of 2.0m is required along John Street and Young Street where the parking area abuts the streetline. Currently, only limited landscaping exists where the parking area abuts the streetline and, as such, it is considered that the proposal represents an opportunity to secure this treatment and improve the existing streetscape during site plan approval.

In addition to this requirement, staff has identified a number of other measures that could be introduced to mitigate the impact of the parking and building upon the streetscape. These measures include possibly introducing a low masonry wall to further screen the parking and to provide greater articulation of the building elevation which fronts on to John Street South. Such measures will be explored through the site plan control process.

Finally, it is noted that the site was previously used as a gas station. The applicant has indicated that as a condition of purchase, Phase One and Two Environmental Site Assessments were completed and the site was remediated. Staff, therefore, recommends that the By-law be held in abeyance by City Council until such time that the applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee. The applicant is in agreement with this requirement.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of uses permitted in the “H” (Community Shopping and Commercial, etc.) District.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal is consistent with the principles and policies of the Provincial Policy Statement (PPS).

Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. Therefore, due to the former use of the site as a gas station, staff requests the filing of a Record of Site Condition (RSC) with the Ministry of the Environment (MOE). Staff notes that Phase One and Two Environmental Site Assessments were completed by the previous owners. Staff, therefore, recommends that the By-law be held in abeyance by City Council, until such time as the Ministry of Environment has provided confirmation of the Record of Site Condition for the subject lands.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. As the nature of the application is to allow for an additional commercial use, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Policy B-2.3 states the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. A Record of Site Condition is requested to address this concern.

City of Hamilton Official Plan

The subject property is designated “Commercial” on Schedule “A” – Land Use Concept. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

i) “Ribbon” Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.

2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.”
2.2.30 Automobile Service Stations will include land or buildings used for the purpose of selling motor vehicle fuels; carrying out automotive repairs and/or providing car washes. The preferred location of Automobile Service Centres will be adjacent to the intersection of major roads.

2.2.31 In considering proposals for new Automobile Service Stations, Council will require the following provisions are complied with in all respects:

   ii) Automobile Service Stations will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of their location and operation.

2.2.32 Council will endeavour to minimize the impacts of Automobile Service Stations on adjacent lands through measures such as, but not limited to, the following:

   i) The establishment of building separation distance and yard requirements;

   ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;

   iii) Paved surface requirements for all non-landscaped areas;

   iv) The restriction of outside storage, other than automobiles;

   v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,

   vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses."

Based on the foregoing, the proposal complies with the “Commercial” policies of the Hamilton Official Plan. It is considered that compliance with respect to elements of Policy 2.2.32 will be secured through the Site Plan process.

**Corktown Neighbourhood Plan**

The subject lands are designated “Mixed Use (Residential, Commercial, Institutional)” in the Corktown Neighbourhood Plan. The proposal seeks permission to add an auto-body repair and paint shop to the existing range of permitted uses, which is considered to conform with the approved Neighbourhood Plan.
SUBJECT: Application for a Modification in Zoning for Lands Located at 205 John Street South (Ward 2) - Page 8 of 8

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Traffic Engineering and Operations Section, Public Works Department;
- Revenues Division, Corporate Services Department;
- Budget and Fiscal Policy Services, Corporate Services Department; and,
- Parking Services, Hamilton Municipal Parking System.

Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, the application was pre-circulated to 716 property owners within 120 metres of the subject lands. One comment was received acknowledging receipt of the pre-circulation letter and requesting a copy of the staff report (Appendix “D”).

Notice of the Public Meeting will be provided to the same property owners and a sign posted on the site will advise of the Public Meeting date in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:EJ

Attachs. (4)
Appendix “A” to Report PED07062
(Page 1 of 1)

Change in Zoning from the “H” (Community Shopping and Commercial, etc.) District, to the “H”
(Community Shopping and Commercial, etc.) District, Modified.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 205 John Street South

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Economic Development and Planning Committee at its meeting held on the day of , 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the “H” (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, are modified to include the following special requirements:
(a) That notwithstanding Subsection 14. (1) of Zoning By-law No. 6593, an auto-body repair and paint shop shall be permitted.

(b) That notwithstanding Subsection 14. (5) of Zoning By-law No. 6593, an auto-body repair and paint shop shall have a gross floor area of not more than 135 square metres.

2. No building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “H” District provisions, subject to the special requirements referred to in Section 1 of this By-law.

3. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1575.

4. Sheet No. E-5 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1575.

5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2007.

_____________________________         _______________________________
MAYOR             CLERK

ZAR-06-85
From: Dominic Ielasi  
Sent: Friday, December 01, 2006 10:49 AM  
To: John, Edward  
Subject: Rezoning Application ZAR-06-85  

Importance: High  

Dear Mr. John:

Earlier this morning one of my family members spoke with you concerning a letter received regarding the Preliminary Circulation for Rezoning Application ZAR-06-85 for lands located at 205 John Street South, Hamilton (Ward 2).

Thank you very much for explaining the Process that will be followed concerning this re-zoning application.

At this time we do not know enough about the subject to have any comments however, we are very much interested in the Planning Department's recommendations and view on this matter.

As discussed, we will be notified as to when a Public Meeting concerning this re-zoning will be held.

Also, as discussed please provide and forward to us a copy of the staff report that will be forwarded to Council for their consideration prior to the public meeting.

Please forward the staff report to: Andrew Ielasi

Thank you very much for your assistance in this matter.

Andrew Ielasi